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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Filippo Bastia, et al.
Title : RETRACTOR FOR OPERATIONS ON THE ARTERIA HAEMORROIDALIS
Serial No. : 10/540,764
Filing Date : November 14, 2005
Docket : 38328
Customer No. : 000116

PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.102 and pursuant to MPEP 708.02(II), applicant hereby requests that the above-referenced application be made special because of actual infringement.

The following items are provided.

1. The \$130 petition fee required by 37 CFR 1.102(d).
2. Pursuant to MPEP 708.02(II), applicant is enclosing a statement by the assignee
 - (a) that there is an infringing device or product actually on the market;
 - (b) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in the assignee's opinion, some of the claims are unquestionably infringed; and
 - (c) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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John P. Murtaugh

Name of Attorney for Applicant(s)

June 5, 2006

Date

John P. Murtaugh

Signature of Attorney

Applicant is not providing one copy of each of the references deemed most closely related to the subject matter encompassed by the claims because said references are already of record.

Because all of the requirements of 37 CFR 1.102 and MPEP 708.02(II) have been satisfied, it is requested that the above-referenced patent application be made special.

If any additional fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 38328.

Respectfully Submitted,

PEARNE & GORDON LLP

By John P. Murtaugh
John P. Murtaugh, Reg. No. 34226

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: June 5, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carlo Tagariello, et al.
Title : RETRACTOR FOR OPERATIONS ON THE ARTERIA HAEMORROIDALIS
Serial No. : 10/540,764
Filing Date : November 14, 2005
Docket : 38328
Customer No. : 000116

STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. METECH S.R.L. is the assignee of the above-referenced patent application. The undersigned is an authorized representative of METECH S.R.L. and is authorized to execute this document on behalf of METECH S.R.L.
2. With reference to the above-referenced patent application, there is an infringing device or product actually on the market and being offered for sale in the United States.
3. A rigid comparison of the alleged infringing device or product with the claims of the present application has been made, and, in the opinion of the undersigned, some of the claims are unquestionably infringed.
4. The undersigned has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. A careful and thorough search of the prior art was made by the European Patent Office in connection with PCT/EP2003/000543; the results of that search are already of record in the present application. The present application is the U. S. national phase of PCT/EP2003/000543. Each of the references deemed most closely related to the subject matter encompassed by the claims is already of record in the present application.
5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

METECH S.R.L.

By: 
(Signature)

Print Name GATTI Giorgio

Print Title: Legal Representative

Date: 26/05/2006